

**BEFORE THE
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1F-2013-235660

JANE ELLEN SHATZ, PhD
881 Alma Real Drive, Suite 220
Pacific Palisades, CA 90272-3731

Psychologist License No. PSY 12756

Respondent.

DECISION AND ORDER

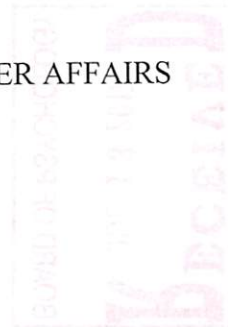
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Psychology, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on August 23, 2017.

It is so ORDERED July 24, 2017.



STEPHEN PHILLIPS, JD, PsyD
PRESIDENT
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS



1 XAVIER BECERRA
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 CHRISTINE R. FRIAR
Deputy Attorney General
4 State Bar No. 228421
California Department of Justice
5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 897-6404
Facsimile: (213) 897-9395
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF PSYCHOLOGY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 1F-2013-235660

13 JANE ELLEN SHATZ, Ph.D.

OAH No. 2016090838

14 881 Alma Real Drive, Suite 220
Pacific Palisades, CA 90272

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 Psychologist's License No. PSY12756,

16 Respondent.

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Antonette Sorrick (Complainant) is the Executive Officer of the Board of Psychology
22 (Board). She brought this action solely in her official capacity and is represented in this matter by
23 Xavier Becerra, Attorney General of the State of California, by Christine R. Friar, Deputy
24 Attorney General.

25 2. Respondent Jane Ellen Shatz, Ph.D. (Respondent) is represented in this proceeding by
26 attorney Gary Wittenberg of Wittenberg & Baranov, LLP located at 1901 Avenue of the Stars,
27 Suite 1750, Los Angeles, California 90067.

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3. On or about March 6, 1992, the Board issued Psychologist's License No. PSY12756 to Jane Ellen Shatz, Ph.D. That license was in full force and effect at all times relevant to the charges brought in Accusation No. 1F-2013-235660, and will expire on February 28, 2018, unless renewed.

JURISDICTION

4. Accusation No. 1F-2013-235660 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on August 30, 2016. Respondent timely filed her Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 1F-2013-235660 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 1F-2013-235660. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation No. 1F-2013-235660, if proven at a hearing, constitute cause for imposing discipline upon her Psychologist's License.

10. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up her right to contest those charges.

11. Respondent agrees that her Psychologist's License is subject to discipline and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

12. This stipulation shall be subject to approval by the Board of Psychology. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Psychology may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

13. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

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DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Psychologist's License No. PSY12756 issued to Respondent Jane Ellen Shatz, Ph.D. is revoked. However, the revocation is stayed and Respondent is placed on probation for two (2) years on the following terms and conditions.

1. Psychological Evaluation. Within ninety (90) days of the effective date of this Decision and on a periodic basis thereafter as may be required by the Board or its designee, respondent shall undergo a psychological evaluation (and psychological testing, if deemed necessary) by a Board-appointed California-licensed psychologist. Respondent shall sign a release that authorizes the evaluator to furnish the Board a current DSM 5 diagnosis and a written report regarding the respondent's judgment and/or ability to function independently as a psychologist with safety to the public, and whatever other information the Board deems relevant to the case. The completed evaluation is the sole property of the Board. The evaluation should not be disclosed to anyone not authorized by the Board or by court order.

If the Board concludes from the results of the evaluation that respondent is unable to practice independently and safely, upon written notice from the Board, respondent shall immediately cease accepting new patients and, in accordance with professional standards, shall appropriately refer/terminate existing patients within thirty (30) days and shall not resume practice until a Board-appointed evaluator determines that respondent is safe to practice. The term of probation shall be extended by this period of time that he or she was ordered to cease practice.

If not otherwise ordered herein, if ongoing psychotherapy is recommended in the psychological evaluation, the Board will notify respondent in writing to submit to such therapy and to select a psychotherapist for approval by the Board or its designee within thirty (30) days of such notification. The therapist shall (1) be a California-licensed psychologist with a clear and current license; (2) have no previous business, professional, personal or other relationship with respondent; (3) not be the same person as respondent's practice or billing monitor. Frequency of psychotherapy shall be determined upon recommendation of the treating psychotherapist with approval by the Board or its designee. Respondent shall continue psychotherapy until released by

1 the approved psychologist and approved by the Board or its designee. The Board or its designee
2 may order a re-evaluation upon receipt of the therapist's recommendation.

3 Respondent shall execute a release authorizing the therapist to provide to the Board any
4 information the Board or its designee deems appropriate, including quarterly reports of
5 respondent's therapeutic progress. Respondent shall furnish a copy of this Decision to the
6 therapist. If the therapist determines that the respondent cannot continue to independently render
7 psychological services, with safety to the public, he/she shall notify the Board immediately.

8 Respondent shall pay all costs associated with the psychological evaluation and ongoing
9 psychotherapy. Failure to pay costs will be considered a violation of the probation order.

10 2. Practice Monitor. Within ninety (90) days of the effective date of this Decision,
11 respondent shall submit to the Board or its designee for prior approval, the name and
12 qualifications of a psychologist who has agreed to serve as a practice monitor. The practice
13 monitor shall (1) be a California-licensed psychologist with a clear and current license; (2) have
14 no prior business, professional, personal or other relationship with respondent; and (3) not be the
15 same person as respondent's therapist. The monitor's education and experience shall be in the
16 same field of practice as that of the respondent.

17 Once approved, the monitor shall submit to the Board or its designee a plan by which
18 respondent's practice shall be monitored. Monitoring shall consist of at least one hour per week
19 of individual face-to-face meetings and shall continue during the entire probationary period
20 unless modified or terminated by the Board or its designee. The respondent shall provide the
21 practice monitor with a copy of this Decision and access to respondent's fiscal and/or patient
22 records. Respondent shall obtain any necessary patient releases to enable the practice monitor to
23 review records and to make direct contact with patients. Respondent shall execute a release
24 authorizing the monitor to divulge any information that the Board may request. It shall be
25 respondent's responsibility to assure that the monitor submits written reports to the Board or its
26 designee on a quarterly basis verifying that monitoring has taken place and providing an
27 evaluation of respondent's performance.

28 Respondent shall notify all current and potential patients of any term or condition of

1 probation that will affect their therapy or the confidentiality of their records (such as this
2 condition, which requires a practice monitor). Such notifications shall be signed by each patient
3 prior to continuing or commencing treatment.

4 If the monitor quits or is otherwise no longer available, respondent shall notify the Board
5 within ten (10) days and get approval from the Board for a new monitor within thirty (30) days.
6 If no new monitor is approved within thirty (30) days, respondent shall not practice until a new
7 monitor has been approved by the Board or its designee. The term of probation shall be extended
8 by the period of time during which respondent is ordered to cease practice. Respondent shall pay
9 all costs associated with this monitoring requirement. Failure to pay these costs shall be
10 considered a violation of probation.

11 3. Examination. Within ninety (90) days of the effective date of the decision,
12 respondent shall take and pass the California Psychology Law and Ethics Examination (CPLEE).
13 If respondent fails to take or fails such examination, the Board shall order respondent to cease
14 practice and upon such order respondent shall immediately cease practice, refrain from accepting
15 new patients and, in accordance with professional standards, shall appropriately refer/terminate
16 existing patients within thirty (30) days and shall not resume practice until the re-examination has
17 been successfully passed, as evidenced by written notice to respondent from the Board or its
18 designee. The term of probation shall be extended by the period of time during which
19 respondent's practice was ordered ceased. It is respondent's responsibility to contact the Board in
20 writing to make arrangements for such examination. Respondent shall pay the established
21 examination fee(s). Reexamination after a failure shall be consistent with 16 C.C.R. section
22 1388(f), and any applicable sections of the Business & Professions Code.

23 4. Notification to Employer. When currently employed, applying for employment or
24 negotiating a contract, or contracted to provide psychological services, respondent shall provide
25 to each employers, supervisor, or contractor, or prospective employer or contractor where
26 respondent is providing or would provide psychological services, a copy of this Decision and the
27 Accusation or Statement of Issues before accepting or continuing employment. Notification to
28 the respondent's current employer shall occur no later than the effective date of the Decision.

1 Respondent shall submit, upon request by the Board or its designee, satisfactory evidence of
2 compliance with this term of probation.

3 The respondent shall provide to the Board the names, physical addresses, mailing
4 addresses, and telephone numbers of all employers and supervisors, or contractors, and shall
5 inform the Board in writing of the facility or facilities at which the person is providing
6 psychological services, the name(s) of the person(s) to whom the Board's decision was provided.

7 Respondent shall complete the required consent forms and sign an agreement with the
8 employer and supervisor, or contractor, and the Board to allow the Board to communicate with
9 the employer and supervisor, or contractor.

10 5. Coursework. Respondent shall take and successfully complete not less than eight (8)
11 hours each year of probation. Coursework must be pre-approved by the Board or its designee.
12 All coursework shall be taken at the graduate level at an accredited educational institution or by
13 an approved continuing education provider. Classroom attendance is specifically required;
14 correspondence or home study coursework shall not count toward meeting this requirement. The
15 coursework must be in addition to any continuing education courses that may be required for
16 license renewal.

17 Within ninety (90) days of the effective date of this Decision, respondent shall submit to the
18 Board or its designee for its prior approval a plan for meeting the educational requirements. All
19 costs of the coursework shall be paid by the respondent.

20 6. Ethics Course. Within ninety (90) days of the effective date of this Decision,
21 respondent shall submit to the Board or its designee for prior approval a course in laws and ethics
22 as they relate to the practice of psychology. Said course must be successfully completed at an
23 accredited educational institution or through a provider approved by the Board's accreditation
24 agency for continuing education credit. Said course must be taken and completed within one year
25 from the effective date of this Decision. This course must be in addition to any continuing
26 education courses that may be required for license renewal. The cost associated with the law and
27 ethics course shall be paid by the respondent.

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1 7. Investigation/Enforcement Cost Recovery. Respondent shall pay to the Board its
2 costs of investigation and enforcement in the amount of \$10,000.00 within the first year of
3 probation. Such costs shall be payable to the Board of Psychology and are to be paid regardless
4 of whether the probation is tolled. Failure to pay such costs shall be considered a violation of
5 probation.

6 Any and all requests for a payment plan shall be submitted in writing by respondent to the
7 Board. However, full payment of any and all costs required by this condition must be received by
8 the Board no later than six (6) months prior to the scheduled termination of probation.

9 The filing of bankruptcy by respondent shall not relieve respondent of the responsibility to
10 repay investigation and enforcement costs.

11 8. Probation Costs. Respondent shall pay the costs associated with probation
12 monitoring each and every year of probation. Such costs shall be payable to the Board of
13 Psychology at the end of each fiscal year (June 30). Failure to pay such costs shall be considered
14 a violation of probation.

15 The filing of bankruptcy by respondent shall not relieve respondent of the responsibility to
16 repay probation monitoring costs.

17 9. Obey All Laws. Respondent shall obey all federal, state, and local laws and all
18 regulations governing the practice of psychology in California including the ethical guidelines of
19 the American Psychological Association. A full and detailed account of any and all violations of
20 law shall be reported by the respondent to the Board or its designee in writing within seventy-two
21 (72) hours of occurrence.

22 10. Quarterly Reports. Respondent shall submit quarterly declarations under penalty of
23 perjury on forms provided by the Board or its designee, stating whether there has been
24 compliance with all the conditions of probation. Quarterly reports attesting to non-practice status
25 are to be submitted if probation is tolled.

26 Respondent shall submit a quarterly report no later than seven (7) calendar days from the
27 beginning of the assigned quarter.

28 11. Probation Compliance. Respondent shall comply with the Board's probation program

1 and shall, upon reasonable notice, report to the assigned Board of Psychology probation monitor.
2 Respondent shall contact the assigned probation monitor regarding any questions specific to the
3 probation order. Respondent shall not have any unsolicited or unapproved contact with (1)
4 complainants associated with the case; (2) Board members or members of its staff; or (3) persons
5 serving the Board as expert evaluators.

6 12. Interview with Board or Its Designee. Respondent shall appear in person for
7 interviews with the Board or its designee upon request at various intervals and with reasonable
8 notice.

9 13. Changes of Employment/Address. Respondent shall, at all times, keep the Board
10 informed of respondent's business and residence addresses. Respondent shall notify the Board in
11 writing, through the assigned probation monitor, of any and all changes of employment, location,
12 and address within thirty (30) days of such change.

13 14. Tolling for Out-of-State Practice, Residence or Extension of Probation for In-State
14 Non-Practice. In the event respondent should leave California to reside or to practice outside the
15 State for any reason, respondent shall notify the Board or its designee in writing within ten (10)
16 days of the dates of departure and return to California. All provisions of probation other than the
17 quarterly report requirements, restitution, cost recovery, and coursework requirements, shall be
18 held in abeyance until respondent resumes practice in California. All provisions of probation
19 shall recommence on the effective date of resumption of practice in California, and the term of
20 probation shall be extended for the period of time respondent was out of state.

21 Unless by Board order, in the event respondent is not engaging in the practice of
22 psychology while residing in California, respondent shall notify the Board or its designee in
23 writing within ten (10) days of the dates of cessation of practice and expected return to practice.
24 Non-practice is defined as any period of time exceeding thirty (30) days in which respondent is
25 not engaging in any activities defined in Sections 2902 and 2903 of the Business and Professions
26 Code. All provisions of probation shall remain in effect, and the term of probation shall be
27 extended for the period of time respondent was not engaged in the practice of psychology as
28 required by other employment requirements of this order.

1 15. Employment and Supervision of Trainees. If respondent is licensed as a psychologist,
2 he/she shall not employ or supervise or apply to employ or supervise psychological assistants,
3 interns or trainees. Any such supervisorial relationship in existence on the effective date of this
4 Decision and Order shall be terminated by respondent and/or the Board.

5 16. Instruction of Coursework Qualifying for Continuing Education. Respondent shall
6 not be an instructor of any coursework for continuing education credit required by any license
7 issued by the Board.

8 17. Future Registration or Licensure. If respondent is registered as a psychological
9 assistant or registered psychologist and subsequently obtains other psychological assistant or
10 registered psychologist registrations or becomes licensed as a psychologist during the course of
11 this probationary order, this Decision shall remain in full force and effect until the probationary
12 period is successfully terminated. Future registrations or licensure shall not be approved,
13 however, unless respondent is currently in compliance with all of the terms and conditions of
14 probation

15 18. Violation of Probation. If respondent violates probation in any respect, the Board
16 may, after giving respondent notice and the opportunity to be heard, revoke probation and carry
17 out the disciplinary order that was stayed. If an Accusation or Petition to Revoke Probation is
18 filed against respondent during probation, the Board shall have continuing jurisdiction until the
19 matter is final, and the term of probation shall be extended until the matter is final. No Petition
20 for Modification or Termination of Probation shall be considered while there is an Accusation or
21 Petition to Revoke Probation pending against respondent.

22 19. Completion of Probation. Upon successful completion of probation, respondent's
23 license shall be fully restored.

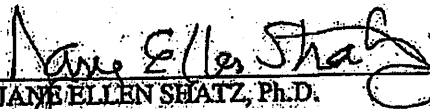
24 20. License Surrender. Following the effective date of this Decision, if respondent ceases
25 practicing due to retirement, health reasons or is otherwise unable to satisfy the terms and
26 conditions of probation, respondent may request the voluntary surrender of his or her license or
27 registration. The Board of Psychology or its designee reserves the right to evaluate respondent's
28 request and to exercise its discretion whether or not to grant the request, or to take any other

1 action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of
2 the surrender, respondent shall, within fifteen (15) calendar days, deliver respondent's pocket
3 and/or wall certificate to the Board or its designee and respondent shall no longer practice
4 psychology. Respondent will no longer be subject to the terms and conditions of probation and
5 the surrender of respondent's license shall be deemed disciplinary action. If respondent reapplies
6 for a psychology license or registration, the application shall be treated as a petition for
7 reinstatement of a revoked license or registration.

8 ACCEPTANCE

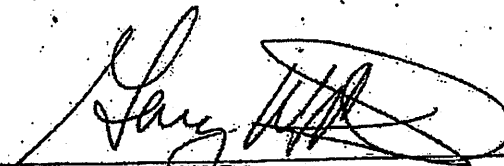
9 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
10 discussed it with my attorney, Gary Wittenberg. I understand the stipulation and the effect it will
11 have on my Psychologist's License. I enter into this Stipulated Settlement and Disciplinary Order
12 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
13 Board of Psychology.

14
15 DATED: 5.26.17


16 JANE ELLEN SHATZ, Ph.D.
Respondent

17 I have read and fully discussed with Respondent Jane Ellen Shatz, Ph.D. the terms and
18 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
19 I approve its form and content.

20
21 DATED: 5-26-17


22 GARY WITTENBERG
Attorney for Respondent

23 //

24 //

25 //

26 //

27 //

28 //

ENDORSEMENT

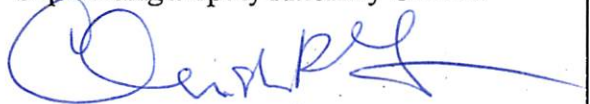
The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Psychology.

Dated:

5/30/2017

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
ROBERT MCKIM BELL
Supervising Deputy Attorney General



CHRISTINE R. FRIAR
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 1F-2013-235660

1 KAMALA D. HARRIS
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 CHRISTINE R. FRIAR
Deputy Attorney General
4 State Bar No. 228421
California Department of Justice
5 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 897-6404
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13 JANE ELLEN SHATZ, Ph.D.

14 881 Alma Real Drive, Suite 220
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ACCUSATION

15 Psychologist's License No. PSY 12756,

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Antonette Sorrick ("Complainant") brings this Accusation solely in her official
21 capacity as the Executive Officer of the California Board of Psychology ("Board").

22 2. On March 6, 1992, the Board issued Psychologist's License number PSY 12756 to
23 Jane Ellen Shatz, Ph.D. ("Respondent"). This license was in full force and effect at all times
24 relevant to the charges brought herein and will expire on February 28, 2018, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code ("Code") unless otherwise
28 indicated.

1 4. Section 2920.1 of the Code states:

2 "Protection of the public shall be the highest priority for the Board of Psychology in
3 exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the
4 public is inconsistent with other interests sought to be promoted, the protection of the public shall
5 be paramount."

6 5. Section 2936 of the Code states, in pertinent part:

7 "The board shall adopt a program of consumer and professional education in matters
8 relevant to the ethical practice of psychology. The board shall establish as its standards of ethical
9 conduct relating to the practice of psychology, the "Ethical Principles and Code of Conduct"
10 published by the American Psychological Association (APA). Those standards shall be applied
11 by the board as the accepted standard of care in all licensing examination development and in all
12 board enforcement policies and disciplinary case evaluations."

13 6. Section 2960 of the Code states:

14 "The board may refuse to issue any registration or license, or may issue a registration or
15 license with terms and conditions, or may suspend or revoke the registration or license of any
16 registrant or licensee if the applicant, registrant, or licensee has been guilty of unprofessional
17 conduct. Unprofessional conduct shall include, but not be limited to:

18 "...

19 "(i) Violating any rule of professional conduct promulgated by the board and set forth in
20 regulations duly adopted under this chapter.

21 "(j) Being grossly negligent in the practice of his or her profession.

22 "...

23 "(r) Repeated acts of negligence."

24 **COST RECOVERY**

25 7. Section 125.3 of the Code states:

26 "(a) Except as otherwise provided by law, in any order issued in resolution of a
27 disciplinary proceeding before any board within the department or before the Osteopathic
28 Medical Board, the board may request the administrative law judge to direct a licensee found to

1 have committed a violation or violations of the licensing act to pay a sum not to exceed the
2 reasonable costs of the investigation and enforcement of the case.

3 "...

4 "(c) A certified copy of the actual costs, or a good faith estimate of costs where actual costs
5 are not available, signed by the entity bringing the proceeding or its designated representative
6 shall be prima facie evidence of reasonable costs of investigation and prosecution of the case.
7 The costs shall include the amount of investigative and enforcement costs up to the date of the
8 hearing, including, but not limited to, charges imposed by the Attorney General.

9 "(d) The administrative law judge shall make a proposed finding of the amount of
10 reasonable costs of investigation and prosecution of the case when requested pursuant to
11 subdivision (a). The finding of the administrative law judge with regard to costs shall not be
12 reviewable by the board to increase the cost award. The board may reduce or eliminate the cost
13 award, or remand to the administrative law judge where the proposed decision fails to make a
14 finding on costs requested pursuant to subdivision (a).

15 "(e) Where an order for recovery of costs is made and timely payment is not made as
16 directed in the board's decision, the board may enforce the order for repayment in any appropriate
17 court. This right of enforcement shall be in addition to any other rights the board may have as to
18 any licentiate to pay costs.

19 "(f) In any action for recovery of costs, proof of the board's decision shall be conclusive
20 proof of the validity of the order of payment and the terms for payment.

21 "(g)(1) Except as provided in paragraph (2), the board shall not renew or reinstate the
22 license of any licentiate who has failed to pay all of the costs ordered under this section.

23 "(2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew or
24 reinstate for a maximum of one year the license of any licentiate who demonstrates financial
25 hardship and who enters into a formal agreement with the board to reimburse the board within
26 that one-year period for the unpaid costs.

27 ///

28 ///

1 "(h) All costs recovered under this section shall be considered a reimbursement for costs
2 incurred and shall be deposited in the fund of the board recovering the costs to be available upon
3 appropriation by the Legislature.

4 "(i) Nothing in this section shall preclude a board from including the recovery of the costs
5 of investigation and enforcement of a case in any stipulated settlement.

6 "(j) This section does not apply to any board if a specific statutory provision in that board's
7 licensing act provides for recovery of costs in an administrative disciplinary proceeding."

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Gross Negligence)**

10 8. Respondent is subject to disciplinary action under Code section 2960, subdivision (j),
11 in that she committed gross negligence when she: 1) took on multiple roles in a child custody
12 matter; 2) failed to verify that one parent had the legal capacity to authorize treatment of minor
13 children without the consent of the other parent before treating said minor children; 3) submitted
14 a declaration in a family law matter that contained assessments on child custody issues that lacked
15 adequate bases; and 4) released confidential information to a third party without proper authority.
16 The circumstances are as follows:

17 9. In January of 2012, M.C.¹ (the "Mother") and G.C. (the "Stepfather") contacted
18 Respondent to discuss their concerns about their two minor daughters, C.K., age nine, and K.K.,
19 age six (collectively, the "Daughters"). Specifically, the Mother and Stepfather were concerned
20 that the Daughters were being mistreated by B.K. (the "Father") during unsupervised visits.

21 10. Respondent met with the Mother and Stepfather in late January 2012 to further
22 discuss their concerns. The Mother and Stepfather were concerned that the Daughters were being
23 physically abused and/or neglected by the Father.

24 11. According to Respondent, the Mother and Stepfather verbally represented to
25 Respondent that the Mother had sole legal custody of the Daughters.

26 ///

27 ¹ The patients/witnesses in this Accusation are identified by initials to preserve their
28 privacy rights.

1 12. Respondent admits that she did not seek to confirm the Mother's and Stepfather's
2 custody representations by asking to see a court order or other documentation verifying their
3 claim.

4 13. Shortly after meeting with the Mother and Stepfather, Respondent met with C.K. and
5 K.K. She spoke with each girl individually and gave each girl a sentence completion test.

6 14. Neither prior to meeting with the Daughters, nor ever, did Respondent obtain written
7 informed consent from the Mother that she had permission to interview the Daughters.

8 15. After meeting with the Daughters, Respondent recommended therapy for each and
9 gave the Mother some referrals.

10 16. Respondent believed her role to have been that of a clinical consultant and did not
11 expect to see any of the family members again.

12 17. In August 2012, the Stepfather contacted Respondent. He and the Mother had serious
13 concerns about the Daughters' safety with the Father and now suspected possible sexual abuse.

14 18. Respondent met with the Mother and Stepfather again.

15 19. Respondent also met individually with C.K. and K.K. on August 30, 2012. During
16 those interviews with the Daughters she read to them from a book entitled, "No Trespassing, This
17 is MY Body." She did this in an effort to gather more information from each girl regarding any
18 alleged sexual abuse.

19 20. Respondent then referred the Mother and Stepfather to a family law firm that "had
20 used [Respondent] in the past."

21 21. The Mother and Stepfather retained the counsel recommended by Respondent.

22 22. The Mother's counsel then asked Respondent to prepare a declaration to submit to the
23 family law court overseeing the custody arrangement between the Mother and the Father.

24 23. In order to prepare the requested declaration, Respondent conducted interviews of
25 several collateral persons, all identified exclusively by the Mother, who might have additional
26 information regarding any abuse of the Daughters by the Father. These collaterals included, the
27 Mother's Mother, the Mother's sister, an older daughter of the Father, a teacher, the Daughters'
28 principal and a pediatrician who had treated C.K.

1 24. At no time did Respondent ever make any effort to contact or speak with the Father.
2 25. Respondent met with the Mother's counsel to discuss and finalize her declaration.
3 26. Respondent's declaration contained confidential information about the Daughters and
4 Respondent disclosed such information to the Mother's legal counsel.
5 27. Respondent did not obtain a signed release from the Mother prior to divulging
6 confidential information about the Daughters to both the Mother's attorneys and, later, the family
7 law court.
8 28. On or about September 13, 2012, Respondent signed a twenty-one page declaration
9 (the "Declaration") to the family law court overseeing the custody arrangement between the
10 Mother and the Father.
11 29. In Respondent's Declaration, Respondent expressed concern that the Daughters are
12 unsafe in the Father's care because of sexual abuse, physical abuse and neglect.
13 30. Respondent stated in her Declaration: "In view of the events described by the girls
14 and collaterals of the Father's inappropriate behaviors with the girls, and the girls' need for
15 protection from the myriad of inappropriate behaviors by the Father, I have concern about the
16 girls having contact with their Father because I believe they have been traumatized and are [at]
17 potential risk for physical abuse and exposure to inappropriate sexual behavior."
18 31. Respondent admits that she wrote her Declaration in the capacity of a forensic
19 psychologist and knew that it would be used by the family law court.
20 32. Respondent further admits that her role with respect to the Mother had shifted from a
21 clinical role to a forensic role. Respondent also admitted that she expected the family law court
22 to view her as an "expert" psychologist.
23 33. Respondent also admits that, when acting in a forensic capacity, a psychologist is to
24 be neutral.
25 34. While acting in the capacity a supposedly neutral forensic psychologist, Respondent,
26 however, submitted her Declaration to the Court without verifying the Mother's claim of sole
27 legal custody, without including the Father in her data-gathering process (even though her
28 Declaration comments on his psychological status and parenting) and only after finalizing the

1 Declaration with the Mother's legal counsel.

2 35. Pursuant to the *Ethical Principles of Psychologists and Code of Conduct* (2010),
3 Principle 3.05, a "multiple relationship" occurs when a psychologist is in a professional role with
4 a person and (1) at the same time is in another role with the same person, (2) at the same time is
5 in a relationship with a person closely associated with or related to the person with whom the
6 psychologist has the professional relationship, or (3) promises to enter into another relationship in
7 the future with the person or a person closely associated with or related to the person.

8 36. The applicable standard of care and professional rule of conduct provide that a
9 psychologist is to refrain from entering into a multiple relationship with a person if the multiple
10 relationship could reasonably be expected to impair the psychologist's objectivity, competence or
11 effectiveness in performing his or her functions as a psychologist, or otherwise risks exploitation
12 or harm to the person with whom the professional relationship exists. (See, *Ethical Principles of*
13 *Psychologists and Code of Conduct* (2010), Principle 3.05.)

14 37. Additionally, the applicable standard of care and professional rule of conduct provide
15 that psychologists are to refrain from taking on a professional role when personal, scientific,
16 professional, legal, financial or other interests or relationships could reasonably be expected to (1)
17 impair their objectivity, competence or effectiveness in performing their functions as
18 psychologists or (2) expose the person or organization with whom the professional relationship
19 exists to harm or exploitation. (See, *Ethical Principles of Psychologists and Code of Conduct*
20 (2010), Principle 3.06.)

21 38. Respondent committed an extreme departure from the standard of care when she
22 entered into a multiple relationship with the Mother. Specifically, she acted as both a clinician
23 consultant and a forensic expert and agent for the Mother in a family law matter.

24 39. Pursuant to the *Ethical Principles of Psychologists and Code of Conduct* (2010),
25 Principle 3.10, subdivision (a), "[w]hen psychologists conduct research or provide assessment,
26 therapy, counseling or consulting services in person or via electronic transmission or other forms
27 of communication, they obtain the informed consent of the individual or individuals using
28 language that is reasonably understandable to that person or persons except when conducting such

1 activities without consent is mandated by law or governmental regulation or as otherwise
2 provided in this Ethics Code."

3 40. Pursuant to the *Ethical Principles of Psychologists and Code of Conduct* (2010),
4 Principle 3.10, subdivision (b), "(f) or persons who are legally incapable of giving informed
5 consent, psychologists nevertheless (1) provide an appropriate explanation, (2) seek the
6 individual's assent, (3) consider such persons' preferences and best interests, and (4) obtain
7 appropriate permission from a legally authorized person, if such substitute consent is permitted or
8 required by law. When consent by a legally authorized person is not permitted or required by
9 law, psychologists take reasonable steps to protect the individual's rights and welfare."

10 41. Respondent committed an extreme departure from the standard of care when she
11 interviewed the Daughters without verifying the Mother's and the Stepfather's assertion that the
12 Mother had sole legal custody (and, thus, that the Father's consent was not also required), failed
13 to document informed consent from the Mother before both interviewing the Daughters and
14 released confidential information about them to the Mother's attorney and the family law court.

15 42. Pursuant to the *Ethical Principles of Psychologists and Code of Conduct* (2010),
16 Principle 9.01, subdivision (a), the standard of care requires that "[p]sychologists base the
17 opinions contained in their recommendations, reports and diagnostic or evaluative statements,
18 including forensic testimony, on information and techniques sufficient to substantiate their
19 findings."

20 43. Pursuant to the *Ethical Principles of Psychologists and Code of Conduct* (2010),
21 Principle 9.01, subdivision (b), the standard of care further requires that "[e]xcept as noted in
22 9.01c, psychologists [are to] provide opinions of the psychological characteristics of individuals
23 only after they have conducted an examination of the individuals adequate to support their
24 statements or conclusions. When, despite reasonable efforts, such an examination is not practical,
25 psychologists [are to] document the efforts they made and the result of those efforts, clarify the
26 probable impact of their limited information on the reliability and validity of their opinions and
27 appropriately limit the nature and extent of their conclusions or recommendations."

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1 44. *Ethical Principles of Psychologists and Code of Conduct* (2010), Principle 9.01,
2 subdivision (c), provides that "[w]hen psychologists conduct a record review or provide
3 consultation or supervision and an individual examination is not warranted or necessary for the
4 opinion, psychologists [are to] explain this and the sources of information on which they based
5 their conclusions and recommendations."

6 45. *Ethical Principles of Psychologists and Code of Conduct* (2010), Principle 9.02, sets
7 forth the standard of care in the uses of assessments and provides, in pertinent part, that, "(a)
8 Psychologists [are to] administer, adapt, score, interpret or use assessment techniques, interviews,
9 tests or instruments in a manner and for purposes that are appropriate in light of the research on or
10 evidence of the usefulness and proper application of the techniques" and "(b) Psychologists [are
11 to] use assessment instruments whose validity and reliability have been established for use with
12 members of the population tested. When such validity or reliability has not been established,
13 psychologists [are to] describe the strengths and limitations of test results and interpretation."

14 46. Respondent committed an extreme departure from the standard of care when she
15 made the conclusion in her Declaration that the Daughters are unsafe in the Father's care because
16 of sexual abuse, physical abuse and neglect. Respondent made this conclusion without an
17 adequate basis or performing an adequate assessment. Specifically, and for example, in making
18 the conclusions found in her Declaration, Respondent 1) failed to appropriately consider and/or
19 document possible contamination of the Daughters' interview statements to her; 2) failed to
20 appropriately consider and/or document the possible unreliability of some of the collateral
21 information she obtained; 3) failed to utilize balanced sources of information before offering
22 opinions about the Father's parenting; 4) utilized assessment procedures that have not been shown
23 to be sufficiently reliable and valid for forensic application (e.g., the sentence completion test and
24 reading the book "No Trespassing, This is MY Body"); 5) phrased her concerns about abuse as
25 factual conclusions and without adequate evidentiary support; 6) concluded in her Declaration
26 that the Father's adult daughter may have been sexually abused by the Father as a child without
27 sufficient evidence; 7) failed to obtain sufficient evidence to support her conclusion of serious
28 concern regarding C.K. cutting herself; 8) failed to recognize in her Declaration explanations

1 other than child sexual abuse for the Daughters' reportedly observed sexual behaviors and 8)
2 offered conclusions about the psychological characteristics of the Father and of his treatment of
3 the Daughters without having interviewed or evaluated him.

4 47. Pursuant to the *Ethical Principles of Psychologists and Code of Conduct* (2010),
5 Principle 4.01, the standard of care provides that "[p]sychologists have a primary obligation and
6 [are to] take reasonable precautions to protect confidential information obtained through or stored
7 in any medium, recognizing that the extent and limits of confidentiality may be regulated by law
8 or established by institutional rules or professional or scientific relationship."

9 48. Pursuant to the *Ethical Principles of Psychologists and Code of Conduct* (2010),
10 Principle 4.05, psychologists may only "disclose confidential information with the appropriate
11 consent of the organizational client, the individual client/patient or another legally authorized
12 person on behalf of the client/patient unless prohibited by law," or unless disclosure is
13 specifically mandated or permitted by law.

14 49. Respondent committed an extreme departure from the standard of care when she
15 released confidential information about the Daughters to the Mother's attorney(s) and the Court,
16 via her Declaration, without having obtained appropriate consent.

17 50. Respondent's acts and/or omissions as set forth in paragraphs 9-49, inclusive, above,
18 whether proven individually, jointly, or in any combination thereof, constitute gross negligence
19 pursuant to section 2960, subdivision (j), of the Code. As such, cause for discipline exists.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Repeated Negligent Acts)**

22 51. Respondent is subject to disciplinary action under Code section 2960, subdivision (r),
23 in that she committed repeated negligent acts when she: 1) took on multiple roles in a child
24 custody matter; 2) failed to verify that one parent had the legal capacity to authorize treatment of
25 minor children without the consent of the other parent before treating said minor children; 3)
26 submitted a declaration in a family law matter that contained assessments on child custody issues
27 that lacked adequate bases; and 4) released confidential information to a third party without
28 proper authority. The circumstances are as follows:

1 52. Respondent's acts and/or omissions as set forth in paragraphs 9-49, inclusive, above,
2 whether proven individually, jointly, or in any combination thereof, constitute repeated negligent
3 acts pursuant to section 2960, subdivision (r), of the Code. As such, cause for discipline exists.

4 **THIRD CAUSE FOR DISCIPLINE**

5 (Violation of the Rules of Professional Conduct)

6 53. Respondent is subject to disciplinary action under Code section 2960, subdivision (i),
7 in that she violated the rules of professional conduct promulgated by the Board, specifically, the
8 *Ethical Principles of Psychologists and Code of Conduct* (2010), when she: 1) took on multiple
9 roles in a child custody matter; 2) failed to verify that one parent had the legal capacity to
10 authorize treatment of minor children without the consent of the other parent before treating said
11 minor children; 3) submitted a declaration in a family law matter that contained assessments on
12 child custody issues that lacked adequate bases; and 4) released confidential information to a third
13 party without proper authority. The circumstances are as follows:

14 54. Respondent's acts and/or omissions as set forth in paragraphs 9-49, inclusive, above,
15 whether proven individually, jointly, or in any combination thereof, constitute violations of the
16 rules of professional conduct applicable to Respondent's practice. As such, pursuant to section
17 2960, subdivision (i), of the Code, cause for discipline exists.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Psychology issue a decision:

1. Revoking or suspending Psychologist License Number PSY 12756, issued to Respondent Jane Ellen Shatz, Ph.D.;
2. Ordering Respondent to pay the Board of Psychology the reasonable costs of the investigation and enforcement of this case, and, if placed on probation, to pay the costs of probation monitoring; and
3. Taking such other and further action as deemed necessary and proper.

DATED: August 30, 2016



ANTONETTE SORRICK
Executive Officer
Board of Psychology
Department of Consumer Affairs
State of California

Complainant

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